

ROUGH AND READY LUMBER COMPANY,)
)
 Appellant)

AGBCA No. 2001-108-1

Representing the Appellant:)

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DECISION OF THE BOARD OF CONTRACT APPEALS

July 31, 2001

Before HOURY, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge HOURY.

This appeal arose under Contract No. 075649 between the Forest Service, U. S. Department of Agriculture (USDA), and Rough and Ready Lumber Company of Cave Junction, Oregon (Appellant). The contract was for the sale of timber on the Rogue River National Forest in Oregon, known as the Full House Timber Sale.

The sale was awarded in January 1997. Thereafter a dispute arose over the amount of road maintenance required. Appellant contended that work beyond mere maintenance was required on some roads and that other roads were required to be upgraded from the existing standard of the road. By letter dated May 17, 2000, Appellant filed a claim in the amount of \$42,533.76 for the increased cost of the road work.

The Contracting Officer (CO) concluded that although road No. 4804440 had been included in the road maintenance schedule, and that maintenance work had been performed by Appellant, the road was not used during the sale operations. The parties agreed that this work amounted to approximately \$600, and that the final amount would be agreed to after verification of expenses. The CO denied the balance of Appellant's claim, by decision dated August 9, 2000. Appellant filed a timely appeal. The Board has jurisdiction pursuant to the Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613, as amended.

After the Complaint, Answer, and Rule 4 File were submitted, the Board convened a telephone conference to discuss the issues. A hearing dated of May 17, 2001, was established. Thereafter, the parties entered into settlement discussions and requested that the hearing be canceled. A Joint Motion To Dismiss With Prejudice, indicating that the parties have settled all matters, was received by the Board June 25, 2001.

DECISION

The appeal is dismissed with prejudice.

EDWARD HOURY
Administrative Judge

We Concur:

ANNE W. WESTBROOK
Administrative Judge

JOSEPH A. VERGILIO
Administrative Judge

Issued at Washington, D.C.
July 31, 2001